

**To the Mayor and Members of the City Council****August 18, 2015**

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SUBJECT: VOLUNTEER SAFETY GROUPS

The purpose of this Informal Report is to brief the City Council on criminal statutes that may be applicable to situations encountered by the City's volunteer safety groups ("a volunteer" or "volunteers"), such as Code Blue. The applicability of a particular statute will depend on the facts and circumstances of the incident. While this Informal Report highlights a number of criminal offenses, all of the offenses in the Texas Penal Code could potentially apply to crimes committed against City volunteers. From a law enforcement perspective, an offense committed against a volunteer will be handled in the same manner as an offense committed against any other individual in the community.

TEXAS PENAL CODE**Offenses Against the Person****SECTION 20.02 UNLAWFUL RESTRAINT**

A person commits the offense of unlawful restraint if he intentionally or knowingly restrains another person. Section 20.01 defines the term "restrain" as restricting an individual's movement without their consent, moving an individual from one place to another, or confining an individual.

SECTION 22.01 ASSAULT

A person commits an offense under Section 22.01 by intentionally, knowingly, or recklessly causing bodily injury to another individual, threatening another individual with imminent bodily injury, or causing physical contact with another individual when the actor knows or should know that the other individual will consider the contact offensive.

SECTION 22.07 TERRORISTIC THREAT

Section 22.07 sets forth a list of acts which may constitute the offense of terroristic threat. For example, a person commits the offense of terroristic threat if the person threatens to commit an offense involving violence to another individual or property with the intent to place any individual in fear of imminent serious bodily injury.

Offenses Against Property**SECTION 28.03 CRIMINAL MISCHIEF**

The offense of criminal mischief is committed when a person, without the owner's consent, intentionally or knowingly damages or destroys the owner's tangible property, tampers with property and causes a pecuniary loss or substantial inconvenience, or makes markings or drawings on the owner's property.

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SUBJECT: VOLUNTEER SAFETY GROUPS**SECTION 28.04 RECKLESS DAMAGE OR DESTRUCTION**

A person commits the offense of reckless damage or destruction if, without the owner's consent, he recklessly damages or destroys the owner's property.

Offenses Against Public Order and Decency**SECTION 42.01 DISORDERLY CONDUCT**

Section 42.01 provides a list of conduct which may constitute the offense of disorderly conduct. The list of prohibited conduct includes, intentionally or knowingly using abusive or profane language in a public place if the mere utterance of the language tends to incite an immediate breach of the peace and abusing or threatening a person in a public place in an obviously offensive manner.

SECTION 42.062 INTERFERENCE WITH REQUEST FOR EMERGENCY ASSISTANCE

A person commits a crime pursuant to Section 42.062 if the person knowingly prevents or interferes with another individual's ability to place an emergency call or recklessly renders an electronic communications device, such as a telephone, unusable.

SECTION 42.07 HARASSMENT

A person commits the offense of harassment if, with the intent to harass, annoy, or abuse another individual; the person threatens to inflict bodily injury on the individual, a member of the individual's family, or the individual's property.

If you have any questions, please call Chief Rhonda K. Robertson at 817-392-4213.

David Cooke
City Manager